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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:  
Gary R. Delduca et al.

Serial No.: 09/094,008

Filed: June 9, 1998

For: MODIFIED ATMOSPHERE PACKAGE

Group Art Unit: 1723

Examiner: Joseph W. Drodge

Atty. Dkt. No.: 673--1

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GROUP 1100

**TERMINAL DISCLAIMER TO OBVIATE A  
DOUBLE PATENTING REJECTION (37 CFR 1.321(b))**

Assistant Commissioner for Patents  
Washington, D.C. 20231

**CERTIFICATE OF FACSIMILE  
37 C.F.R. 1.8**

I hereby certify that upon request of the Examiner this correspondence is being transmitted by Facsimile to 703-305-3602 and addressed to: Assistant Commissioner For Patents, Washington, DC 20231, on the date below:

4-22-99  
Date

*Jackie Old*  
Signature

Dear Sir:

The owner, Tenneco Packaging Inc., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior U.S. Patent No. 5,698,250. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated

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prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

The undersigned is an attorney of record.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Fee Status (37 CFI 1.20(d))

- ☒ other than a small entity----fee \$110.00  
☐ Attached is a check in the sum of \$\_\_\_\_\_.  
☒ Charge Account No. 01-2508 (Order No. PCOA:673--1) for any fee required by this paper.

April 22, 1999  
Date

By:

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